

DATE: 5/28/2008 CASE NUMBER: 08-15784M-SD

CLOSED

USA vs. Luis Esau Canjura-Mejia

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Juan Rocha (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA _____ ☐ Initial Appearance ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.

| | |
|---|---|
| DETENTION HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset Set for: Before: <input type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal <input type="checkbox"/> Defendant ordered released _____ <input type="checkbox"/> Defendant continued detained pending trial <input type="checkbox"/> Flight risk <input type="checkbox"/> Danger | IDENTITY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Warrant of removal issued. |
| PRELIMINARY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed <input type="checkbox"/> Held to answer before District Court | STATUS HEARING: re: <u>Waiver of Venue</u> <input checked="" type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset Set for: Before: |

Other: Government moves for dismissal of complaint. Defense does not object. Court dismisses case without prejudice. Case is closed.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

DATE: 5/23/08 CASE NUMBER: 08-15784M-SD

USA vs. Luis Esau Canjura-Mejia

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Juan Rocha (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 5/21/08 ☒ Initial Appearance ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

Set for:

Before:

☒ Defendant ordered temporarily detained in the
custody of the United States Marshal

☐ Defendant ordered released _____

☐ Defendant continued detained pending trial

☐ Flight risk ☐ Danger

IDENTITY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

☐ Warrant of removal issued.

PRELIMINARY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

☐ Waived

Set for:

Before:

☐ Probable cause found ☐ Dismissed

☐ Held to answer before District Court

STATUS HEARING: re: Waiver of Venue

☐ Held ☐ Con't ☐ Reset

Set for: 5/28/08 at 2:30 pm

Before: Magistrate Judge Irwin

Other: Defendant declines to sign waiver of venue. Government moves for a continuance. Defense requests that Government justify their motion. Government explains reason for motion. Court grants motion and sets status hearing.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

5/21
United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Luis Esau CANJURA-Mejia
Citizen of El Salvador
YOB: 1985
095734488
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: *08-15784M-SD*

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about May 19, 2008, near San Ysidro, California in the Southern District of California, Defendant Luis Esau CANJURA-Mejia, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

May 23, 2008
Date

at

Carlos Diaz
Signature of Complainant

For
Carlos Diaz
Senior Patrol Agent

Yuma, Arizona
City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Luis Esau CANJURA-Mejia

Dependents: 2 El Salvadors

IMMIGRATION HISTORY: The Defendant is an illegal alien.

CRIMINAL HISTORY:

| <u>DATE/LOCATION</u> | <u>OFFENSE</u> | <u>DISPOSITION</u> |
|-----------------------------|-----------------------|---------------------------|
| None Found | | |

Narrative: The Defendant, an illegal alien, was encountered by Yuma Border Patrol agents near Blythe, California.

On May 21, 2008, Supervisory Border Patrol Agent James Joslin was assigned to work as the inside Duty Supervisor. The 1151 Checkpoint located at mile post 56.2 on California Highway 78 near Palo Verde, California and the 1153 Checkpoint located at mile post 73.5 on Highway 95 near Quartzsite, Arizona were fully operational with all lights, signs and cones in place. At approximately 9:30 a.m. Supervisory Border Patrol Agent (SBPA) Joslin received a phone call from SBPA Daniel Castro from Border Patrol office in El Centro, California. SBPA Castro was working on the El Centro Sector Smuggler Targeting Action Team (STAT) and was calling to give information of an illegal alien smuggling load coming through our area of operation.

SBPA Castro stated that he had information that the smuggling load was traveling north on Arizona State Highway 95 and would be exiting at the Martinez Lake Road and continuing north across the desert to Cibola, Arizona. SBPA Castro described the vehicle as a white extended cab pick-up with California license plates. This is a common route used by alien smugglers in order to circumvent both the 1151 and 1153 checkpoints. At approximately 10:35 a.m., sensor patterns indicated that his information was correct. SBPA Gary Davis, Border Patrol Agents Joshua Vanfossan, Jesse Martinez, and Reyes Fimbres all responded to the Cibola, Arizona area. At approximately 11:30 a.m., SBPA Castro called back and stated that the vehicle had already passed through Cibola, Arizona and was northbound on Highway 78. SBPA Joslin and Agent Vanfossan both went to the intersection of I-10 and Highway 78.

SBPA Joslin and Agent Vanfossan observed a vehicle matching the description given by SBPA Castro and the vehicle appeared to be heavily

laden as if the suspension was overloaded. SBPA Joslin observed the vehicle as it entered I-10 westbound from Highway 78. As the vehicle entered I-10, SBPA Joslin could see from the higher view point of highway 78 that the bed of the truck was covered with a black tarp. This is a common tactic used by alien smugglers to conceal their illegal cargo. SBPA Joslin ran record checks on the vehicles license plate (California 8N51881). Record checks returned to a registered owner; Antonio J. Figueroa with address of 799 E. Main Street, El Centro, California 92243. SBPA Joslin has arrested numerous illegal alien smuggling loads in vehicles registered in El Centro, California.

SBPA Joslin and Agent Vanfossan activated their emergency equipment in order to stop the vehicle and conducted an immigration inspection on the vehicles occupants. The vehicle yielded on the shoulder of I-10 westbound approximately 2 miles east of the Wileys Well exit, near Blythe, California. SBPA Joslin and Agent Vanfossan approached the vehicle and could immediately see people hidden under the tarp in the bed of the truck. SBPA Joslin identified himself as a Border Patrol Agent to the Driver, later identified as Luis Esau CANJURA-Mejia. SBPA Joslin questioned CANJURA as to his citizenship. CANJURA stated that he was a citizen of Mexico and that he didn't have any documents allowing him to legally remain in the United States.

Inside the cab of the truck was a front seat passenger and an additional four subjects laying on the rear floor board of the vehicle behind the front seat. Inside the bed of the truck under the black tarp were seven additional subjects. All subjects were questioned individually as to their citizenship. All subjects stated that they were citizens of Mexico illegally in the United States. All subjects also admitted that they were not in possession of any immigration documents that would allow them to legally remain in the United States. All subjects were taken into DHS custody and transported to the Blythe Border Patrol Station for processing.

During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

Charges: 8 USC1325

(Misdemeanor)

Sworn to before me and subscribed in my presence,

May 23, 2008

Date

Signature of Judicial Officer